

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

INFORMATION

- v. - :

S1 08 Cr. 1345

JOSE M. LUCIANO, :
a/k/a "Gordo," :

Defendant. :

- - - - - X

COUNT ONE

The United States Attorney charges:

1. From 2005 through December 2008, in the Southern District of New York and elsewhere, JOSE M. LUCIANO, a/k/a "Gordo", and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that JOSE M. LUCIANO, a/k/a "Gordo", and others known and unknown, would and did distribute and possess with the intent to distribute a controlled substance, in violation of 21 U.S.C. § 841(a)(1).

3. The controlled substances involved in the offense were (1) five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of 21 U.S.C. § 841(b)(1)(A); and (2) 50 grams and more of mixtures and

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substances containing a detectable amount of cocaine base, commonly known as "crack", in violation of 21 U.S.C § 841(b)(1)(A).

(Title 21, United States Code, Section 846)

COUNT TWO

The United States Attorney further charges:

5. On or about December 17, 2008, in the Southern District of New York and elsewhere, JOSE M. LUCIANO, a/k/a "Gordo," the defendant, unlawfully, intentionally, and knowingly would and did distribute and possess with intent to distribute a controlled substance, to wit, 500 grams and more of mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(B); Title 18, United States Code, Section 2.)

COUNT THREE

The United States Attorney further charges:

6. On or about November 26, 2008, in the Southern District of New York and elsewhere, JOSE M. LUCIANO, a/k/a "Gordo," the defendant, unlawfully, intentionally, and knowingly would and did distribute and possess with intent to distribute a controlled substance, to wit, 50 grams and more of mixtures and substances containing a detectable amount of cocaine base, commonly known as "crack".

(Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(A); Title 18, United States Code, Section 2.)

Forfeiture Allegation

7. As a result of committing the controlled substances offenses alleged in Counts One, Two and Three of this Information, JOSE M. LUCIANO, a/k/a "Gordo," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. Section 853, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the controlled substances violations alleged in Counts One, Two and Three of this Information.

Substitute Asset Provision

8. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. Section 853(p), to seek forfeiture of any other property of the

defendants up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)

A handwritten signature in black ink, reading "Preet Bharara", is written over a horizontal line.

PREET BHARARA

United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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- v. -

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(21 U.S.C. §§ 846 and 841(a)(1),
(b)(1)(B).)

PREET BHARARA
United States Attorney.
